



MILPITAS PLANNING COMMISSION STAFF REPORT

June 22, 2016

APPLICATION: **GLOBAL VILLAGE MONTESSORI, Permit No. P-UP16-0004**
- A request for a Conditional Use Permit to operate a 4,054 square feet child care center for 50 children in an existing building at 1247 South Park Victoria Drive.

RECOMMENDATION: **Staff recommends that the Planning Commission adopt Resolution No. 16-023 approving Conditional Use Permit No. UP16-0004, subject to the attached Conditions of Approval.**

LOCATION:
Address/APN: 1247 South Park Victoria Drive (088-36-043)
Area of City: West of South Park Victoria Drive and at the intersection with Clear Lake Avenue

PEOPLE:
Project Applicant: Hem Korubilli, Global Village School, Inc.
Consultant(s): Mark Stoklosa, Mark Stoklosa Architect, Inc.
Property/Business Owner: Southeast Holdings, Inc.
Project Planner: Bhavani Potharaju, Contract Assistant Planner

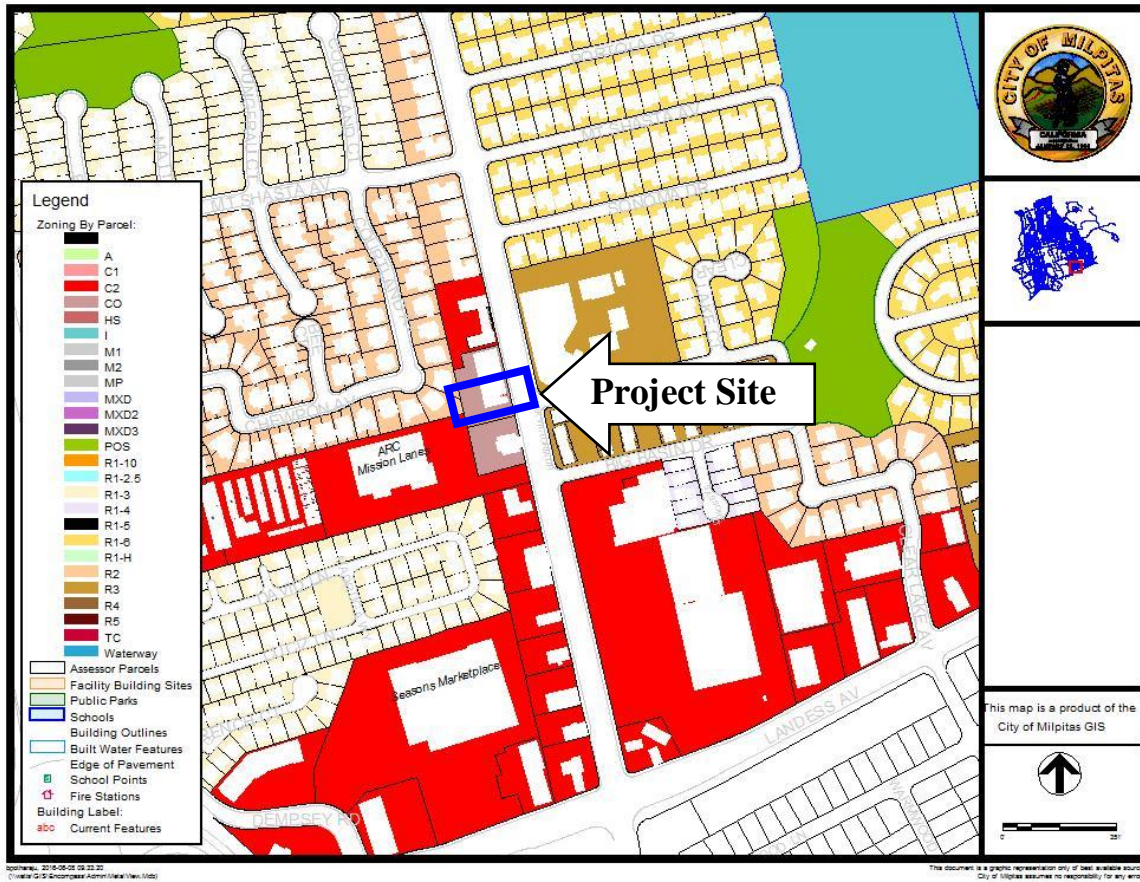
LAND USE:
General Plan Designation: Professional and Administrative Office (PAO)
Zoning District: Administrative and Professional Office (CO)
Site Area: 0.74 acres

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to operate a child care facility in an existing building. The proposed tenant space is 4,054 square feet. The tenant improvements include reconfiguring the walls to add two instructional areas (1 large classroom and 1 activity zone), main lobby, two offices, staff room; remodeling the existing restroom; and conversion of another existing restroom into storage. The applicant will operate the child care facility for a maximum of 50 children. The project is consistent with the General Plan, Zoning Ordinance, and Child Care Master Plan, and staff recommends that the Planning Commission approve the project subject to the findings and Conditions of Approval.

Map 1 **Project Location**



Map 2 Project Site



No scale

BACKGROUND

History

In 1987 a 10,000 square foot building was built at 1247 S Park Victoria Park Drive. In 2013, the Planning Commission approved Site Development Permit No. SD12-0010 for a sign program in the Park Victoria Plaza. On April, 2016, the applicant submitted an application for a Conditional Use Permit.

The Application

The following is a summary of the applicant's request:

- *Conditional Use Permit:* The applicant is requesting a Conditional Use Permit to allow for a 4,054 square foot child care facility for 50 students in an existing building.

PROJECT DESCRIPTION

Overview

The project site is situated on 0.74 acre site located at 1247 South Park Victoria Drive. The 10,000 square foot building at the project site is currently occupied by an Acupuncture Clinic, Art School, Hair Salon, Music School, and Chinese After-school as tenants. The applicant is requesting a Use Permit to allow a child care facility in an existing tenant space of 4,054 square feet. The tenant improvements include reconfiguring the walls to add two instructional areas (1 large classroom and 1 activity zone), main lobby, two offices, and staff room; remodeling the existing restroom; and conversion of another existing restroom into storage. The applicant is requesting to operate the child care facility for a maximum of 50 children and from 8:00 AM to 5:30 PM, Monday through Friday.

Location and Context

The site is surrounded by a Medical and Dental Offices to the north, a bank to the south, single family homes to the west, and a church to the east. The project site is located within the Administrative and Professional Office (CO) zoning district, which allows to locate a child care facility through approval of a Conditional Use Permit. Vicinity and location maps of the subject site location are included on the previous page.

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Professional and Administrative Office (PAO)	Administrative and Professional Office (CO)	Daycare facility
North	General Commercial (GNC)	General Commercial (C2)	Medical and Dental Offices
South	Professional and Administrative Office (PAO)	Administrative and Professional Office (CO)	Chase Bank
East	Multi-Family Residential High Density (MFH)	Multi-Family Residential (R3)	Christ Community Church
West	Multi-Family Residential (R2)	Mixed Use (MXD)	Single family homes

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan

The project conforms to the intent of the Professional and Administrative Office (PAO) General Plan Land Use designation. The project increases the existing stock of child care service to serve residents and businesses in the City. The project also complies with Land Use policy 2.a-I-33 and 2.a-I-7, as set forth in Table 5 below.

Zoning Ordinance

The project complies with the development standards set forth in the Zoning Ordinance. The project does not propose any addition of square footage to the building; the applicant will be making only interior modifications to an existing tenant space. The setback requirements, Floor Area Ratio (FAR), and landscaping requirements remain the same. The nature of the project site remains largely unaltered, but due to the reconfiguration of internal square footage and intensification of the use, the project is required to meet the current parking requirement (discussed below).

Child Care Master Plan

The project is also consistent with the Milpitas Child Care Master Plan as it promotes the development of additional child care facilities within city limits and encourages new child care facilities to offer a variety of child care types in order to meet specific needs. The table below outlines the project's consistency with the goals and implementation policies of the Milpitas Child Care Master Plan dated April 2, 2002.

Table 2: Milpitas Child Care Master Plan Consistency

Policy	Consistency Finding
<i>Long Range Goal: Every child and family has access to affordable, safe, quality child care</i>	Consistent. The project proposal is 4,054 square feet of child care facility. The facility will accommodate 50 children and serve the existing and future residential development in the neighborhood.
<i>Accessibility Policy 2.2-G-I: The City of Milpitas promotes the retention of existing facilities and the development of new child care facilities within the city limits.</i>	Consistent. The project proposes a new child care facility within the city limits which is consistent with the accessibility policy.

Development Standards

The project proposes no exterior changes to the building (with the exception of signage) and would maintain existing building setbacks, height, and floor area ratio, which is consistent with the development standards of the Administrative and Professional Office (CO).

Indoor Play Area

The child care center will be operated as a part-time facility. The Department of Social Services (DSS), grants a waiver to operate a part-time child care center without an outdoor play area, however, it requires an increased indoor area. For a child care facility with outdoor play area, the number of students is calculated as 35 square feet per child, whereas, without an outdoor play area the number of students is calculated as 60 square feet per child. Considering the calculations for 60 square feet per child, the applicant will be enrolling no more than 50 students in the child care center for each part-time session. This allows them to be eligible for the waiver from DSS for the outdoor play area, which they will be required to apply after the construction is completed.

Access and Circulation

Access to the project site is provided by a driveway located along South Park Victoria Drive that provides right turn-in and left turn-out movements at each driveway entrance. Internal circulation is provided by 25-foot wide drive aisles that loop around the back of the building and connects to the driveway of the site towards north of the subject site. Pedestrian access is provided by a public sidewalk located along the South Park Victoria Drive and there are pedestrian walkways along the perimeter of the building.

Drop-Off and Pick-Up/Staggered Classroom Hours

The child care center will be operated from 8:00am to 5:30pm. Parents will be required to drop-off kids from 7:30 am for the 8:00am session and they will be able to pick-up kids from the 5:30pm session up to 6:00pm. Please see the table below for the drop-off/pick-up schedule.

Table 3: Drop-off/pick-up summary

AM/PM Session timings	Drop-off time	Pick up time
AM Session-		
25 kids from 8:00 am – 11:30 am	7:30 am to 8:00 am	11:30 am to 12:00 pm
25 kids from 9:00 am – 12:30 pm	8:30 am to 9:00 am	12:30 pm to 1:00 pm
PM Session-		
25 kids from 1:30 pm – 5:00 pm	1:00 pm to 1:30 pm	5:00 pm to 5:30 pm
25 kids from 2:00 pm – 5:30 pm	1:30 pm to 2:00 pm	5:30 pm to 6:00 pm

Parking

Table 4 demonstrates the project's compliance with the Zoning Code parking standards per *Section XI-10-53 Off-Street Parking*.

Table 4: Parking Summary

Uses	Parking ratio	Square footage/ persons	Required Parking	Provided Parking
Acupuncture Clinic	1 per 225 sq. ft.	713	3	3
Art School	1 per private room (3 private rooms)	946	3	3
Hair Salon	1 per 200 sq. ft.	1058	5	5
Music School	1 per private room (5 private rooms)	1536	5	5
Chinese After-School	1 per 150 sq. ft.	1792	12	12
<i>Global Village Montessori</i>				
<i>Classroom</i>	1 per 500 sq. ft.	3,251 sq. ft.	5	15
<i>Employees</i>	1 per 1.5 employees	5	3	
<i>Loading and Unloading</i>	1 per 6 children; up to 5 spaces and thereafter 1 per 10 children	50 students	7	
Total 15				
Total Number of Spaces Required				43
Total Number of Parking Spaces Available				43

FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F))

- a. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed child care facility will serve the community by providing additional child care options for residents, and, as designed, will have no detrimental or injurious impacts on the property or improvements in the vicinity of the property. The operation of the facility will be in compliance with all local, state, and federal regulations.

- b. *The proposed use must be consistent with the Milpitas General Plan*

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 5: General Plan Consistency

Policy	Consistency Finding
<i>Policy 2.a-1-33: Encourage the establishment of daycare facilities consistent with State standards, including the issuance of use permits for a large daycare facility where compatible with surrounding neighborhoods and commercial uses, particularly in public facilities such as community centers, churches, and schools and in employment centers and large housing developments.</i>	Consistent. The project is consistent with this finding because it will offer child care facilities that, as a Condition of Approval, will be required to comply with all local, state and federal regulations. The project is located in a commercial area surrounded by residential uses, which will provide the community with a service to serve their needs.
<i>2.aI-7 Provide opportunities to expand employment opportunities in partnerships with local businesses to facilitate communication, and promote business retention</i>	Consistent. The project would provide employment opportunities and revitalization of the commercial center by replacing a vacancy with a use that would be complementary to existing uses within the center.

c. The proposed use must be consistent with the Milpitas Zoning Ordinance.

The proposed child care center conforms to the Milpitas Zoning Ordinance in that the use is a conditionally permitted use in the Administrative and Professional Office (CO) district and complies with the development standards and parking requirements. The project does not propose any exterior building modifications and the construction is limited to the interior of the building.

ENVIRONMENTAL REVIEW

Categorically Exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) as the project consists of the minor alteration of existing private structures and features.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on June 10, 2016. In addition, 1,014 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

In conclusion, the proposed project is consistent with the policies and guiding principles identified in the General Plan and satisfies the requirements specified in the Municipal Code. The proposed use will contribute towards City's economic development goals and provide necessary public infrastructure improvements.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution 16-023 approving Conditional Use Permit No. UP16-0004 to allow the use of an existing building for a child care facility for a maximum of 50 students located at 1247 South Park Victoria drive, subject to the findings and Conditions of Approval.

ATTACHMENTS

A: Resolution 16-023

B: Project Plans